



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,391	06/23/2003	Roger J. Leyden	00831-0063US	8054
32116	7590	06/24/2005	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			LEE, GUIYOUNG	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,391	Applicant(s) LEYDEN ET AL.	
	Examiner Guiyoung Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-24, 26-30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 32 and 33 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11, 13-24, 26-31, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the amendment filed 04/15/2005.
2. Claims 1-11, 13-24, 26-30, and 32-35 are pending, and claims 12, 25 and 31 are cancelled.
3. Applicant's arguments with respect to claims 1-11, 13-24, 26-30, and 32-35 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection follows.

Claim Objections

4. Claim 17 objected to because of the following informalities: Claim 17 recites the limitation "the signal generator". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7-11, 13-14, 20, 22-24, 26, 28-29, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Ghalayini (US 5,297,353).

Art Unit: 2875

Re claims 1-3, 13-14, 20, 22-24, 26, 28-29, 34, and 35: Ghalayini disclose a message system having a wall (40 in Fig. 1) including a mirrored surface (40 in Fig. 7), a message generator (b in Fig. 5), including a proximity sensor (66 and col. 5, line 43) to detect the presence of object (68). The message system has first and second states which generates a first message and a second message (col. 6, lines 5-34). Further, Ghalayini discloses a convex shaped mirror surface (See Fig. 7).

Re claims 7-11: Ghalayini discloses the message is words or visual display and the message generator comprises a light source (64).

6. Claims 15-19, 21, and 27 are rejected under 35 U.S.C. 102(b) as being rejected by Strickland (US 5,231,393).

Re claims 15-19, 21, and 27: Strickland discloses a message system comprising a wall (58 in Fig. 4) having opposite first and second sides and comprising a surface which substantially blocks viewing of an objects at the second side of the wall through the wall from the first side of the wall; and a message generator (90), a transmitter/generator (76), the message generator having first and second states (col. 9, lines 15+), the message generator in the first state causing a first message to be viewable at the wall from the first side of the wall, the first message being unviewable from the first side of the wall with the message generator in the second state, wherein the-message system comprises a sensor (84) to detect the presence of an individual or object at the first side of the wall and as an incident thereof cause the message generator to make a message viewable from the first side of the wall, said message system further comprising a transmitter/generator (76) for directing a signal to the message generator from a location spaced

Art Unit: 2875

from the message generator (76), said message system further comprising a wheeled vehicle (Fig. 1) carrying the transmitter/generator. Strickland discloses a camera (86 in Fig. 9).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghalayini in view of Davis (US 6,446,375 B1).

9. Re claim 30: Ghalayini discloses all the elements in claim 30 except the limitation second message generated in a second language. However, Davis teaches that message can be generated in a foreign language (col. 5, line 8-10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ghalayini's message system to generate the message with a second language in order to provide message to Foreign people.

Allowable Subject Matter

10. Claims 4-6 and 32-33 are allowed.

11. The following is an examiner's statement of reasons for allowance: With regard to claims independent claims 4-6 and 32-33, the prior art of record fails to disclose a message system having a wall and a message generator, configured as claimed, wherein the message generator

Art Unit: 2875

has first and second states, with the message generator in the first state a message that repeatedly flashes is viewable from the first side of the wall and flashes at a first rate, and with the message generator in the second state a message that repeatedly flashes is viewable from the first side of the wall and flashes at a second rate that is different than the first rate.

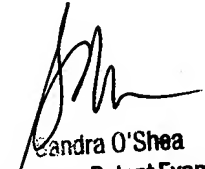
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800